

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48006 of 2017

Arising Out of PS.Case No. -380 Year- 2005 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Surya Nath Singh @ Surj Nath Singh S/o Late Shiv Nandan Singh, R/o
Village- Gajahora, P.S.- Danapur, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Janardan Das S/o Late Ram Ayodhya Das, R/o Village- Bihpur, P.S.-
Bihpur, District- Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey

For the Opposite Party/s : Mr. Surendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 11-10-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case no. 380 of 2005, registered under Sections 302, 201
and 120-B of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that deceased Rajesh Kumar @ Babu
Das was doing the koeria silk business with Dhananjay Kumar Singh
Anchal Guard of Bihpur Anchal. But due to some reasons Rajesh
Kumar dissociated to the business. On 06.04.2000, Dhananjay Kumar
Singh came at the house of deceased Rajesh Kumar and took him
forcibly to Guard Office situated at Circle Office Bihpur, where on the
order of the petitioner, Surya Nath Singh, Dhananjay Kumar Singh



shot at Rajesh Kumar (deceased). On hearing the sound of firing people gathered, but local guard did not permit them to touch the dead body. Thereafter, Police reached there and took the dead body for Post-mortem and on 07.04.200, the dead body of Rajesh Kumar was handed over to the informant for cremation.

Learned counsel for the petitioner submits that, in fact, deceased Rajesh Kumar was killed in course of committing dacoity regarding which Bihpur P.S. Case No. 51 of 2000, under Section 395 of the Indian Penal Code was instituted on the basis of information of petitioner. After 25 days of the occurrence, the complainant, who is father of Rajesh Kumar, filed the Complaint Case, which was sent to the Police Station, Bihpur under Section 156 (3) of the Cr.P.C. upon which Bihpur P.S. Case No. 68 of 2000 was instituted. After investigation, the Police submitted Final Form, then the complainant the father of the deceased filed the Protest Petition, which is treated as Complaint Case No. 68 of 2000. Further submission is that allegation of firing is against Dhananjay Kumar Singh, who has already been allowed pre-arrest bail on 09.09.2008 vide Criminal Miscellaneous No.32266 of 2008. The petitioner who was posted at the time of occurrence as Guard in the Circle Office, Bihpur has falsely been implicated in this case as the petitioner was informant of Bihpur P.S. Case No. 51 of 2000, registered under Section 395 of I.P.C. for committing dacoity in which son of the complainant was killed in course of committing dacoity.



Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M. Naugachia in connection with Complaint Case No. 380 of 2005, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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